



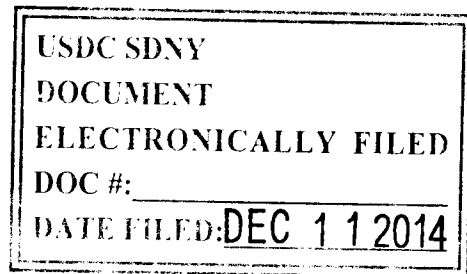
United States v, Ulbricht, 14 Cr. 68 (KBF) -- Letter to the Court  
Lindsay Lewis

to:  
Forrestnysdchambers, Joseph\_Pecorino  
12/10/2014 07:45 PM

Cc:  
serrin.turner, "Howard, Timothy (USANYS) 1", Joshua Dratel, joshua.horowitz  
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1 Attachment



Forrest29.pdf

Attached please find a letter to the Court in opposition to the government's December 9, 2014, letter requesting leave from the Court to redact the names of the cooperating witnesses from the list of government witnesses.

Respectfully Submitted,

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*Ordered*  
All letters + filings with the  
Court must be filed via ECF  
unless there is some truly important  
reason not to. If something cannot  
be filed publicly, then it must  
be filed in redacted form  
simultaneously or within the  
same business day.

*K.B. For*

*USDJ*

*12/11/14*

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STEVEN WRIGHT

*Office Manager*

December 10, 2014

**BY ELECTRONIC MAIL**

The Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *United States v. Ross Ulbricht*  
14 Cr. 68 (KBF)

Dear Judge Forrest:

At the Court's request, this letter is submitted on behalf of defendant Ross Ulbricht in opposition to the government's December 9, 2014, letter, requesting leave to redact the names of cooperating witnesses from the list of government witnesses, to be provided to the defense today, Wednesday, December 10, 2014. For the reasons detailed below, the Court should deny the government's request because it would impede Mr. Ulbricht's Sixth Amendment right to prepare his defense, and violates his right to Due Process:

- (1) under the current schedule, the defense will not learn the names of the cooperating witnesses (and thus any useful information about them) until virtually the eve of trial, Friday, January 2, 2014, when the government must produce 3500 material regarding cooperating witnesses. Under those conditions, it would be impossible for defense counsel to investigate properly and prepare for these witnesses given the time commitment and obligations attendant to conducting the trial itself;

Thus, the government's assertion in its letter that "disclosure on that date [January 2, 2014,] will provide, at a minimum, ten days notice regarding [the cooperating witnesses'] identities prior to their testimony at trial" becomes meaningless, given the primary obligation Mr. Ulbricht and defense counsel will

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face during that time: trying the case. Indeed, it is qualitatively different to provide 3500 material as to known witnesses with ten days lead time, than it is to provide even the most basic of identifying information at that point;

- (2) the revelation of the cooperating witnesses' names just prior to trial also does not leave defense counsel any time to incorporate that information into its defenses, trial strategy, or position regarding these witnesses, as necessary, based on information obtained about these witnesses. Indeed, to the extent that the government's proposed schedule permits counsel to investigate cooperating witnesses only on the eve of trial, or after trial has already begun, Mr. Ulbricht will be at an extreme disadvantage because defense counsel will not be able to adequately address these witnesses during opening arguments, and will be locked into its position on these witnesses at the time trial commences (when it is least knowledgeable about them). Accordingly, the government's unwillingness to provide these names today along with the names of its other witnesses hinders counsel's ability to advocate adequately for Mr. Ulbricht and to defend him properly at trial; and
- (3) the government's reliance in its letter on allegations that Mr. Ulbricht "solicited murders-for-hire against individuals who threatened his interests in the Silk Road underground marketplace, including an individual who he believed to be cooperating against the government" cannot support its claim that "the requested relief is appropriate in the important interest of protecting those [cooperating] witnesses from harm and intimidation" given that, by the government's own acknowledgment, there is not any evidence that anyone was ever harmed in relation to the alleged murder for hire plots. Also, Mr. Ulbricht is in custody without email and has extremely limited access to the outside world. There is also no evidence that he has obstructed justice or, in fact, done anything at all to warrant the treatment the government proposes. Nonetheless, the defense agrees to keep the names of any cooperating witnesses disclosed confidential, except to the limited extent necessary to investigate them in preparation for trial. Already we have agreed to that condition with respect to the government's other witnesses.


Accordingly, for the reasons set forth herein, the Court should deny the government's request for leave from the Court to redact the names of cooperating witnesses from the list of

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government witnesses, and should Order the government to disclose the names of cooperating witnesses in this case to the defense today, along with the names of the other witnesses.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Lindsay A. Lewis', with a long horizontal flourish extending to the right.

Lindsay A. Lewis

LAL/

cc: Serrin Turner  
Timothy T. Howard  
Assistant United States Attorneys